

SENATE BILL 2636

By McNally

AN ACT to amend Tennessee Code Annotated, Title 29  
and Title 63, relative to tort liability protection for  
crisis intervention.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 7, is amended by  
adding the following as a new section thereto:

§ 63-6-709.

(a)

(1) "Crisis response services" means consultation, risk assessment,  
referral, and on-site crisis intervention services provided by a critical incident  
stress management team to individuals affected by crisis or disaster;

(2) "Critical incident stress management team member" referred to also  
as "team member" means an individual specially trained to provide crisis  
responses services as a member of an organized community or local crisis  
response team that holds membership in registered critical incident stress  
management team;

(3) "Debriefing session" means a session at which crisis response  
services are rendered by a critical incident stress management team member  
during or after a crisis or disaster;

(4) "Registered team" means a team formally registered with a  
recognized accrediting agency (i.e. International Critical Incident Stress  
Foundation, National Organization of Victims Assistance, National Red Cross);

(5) "Training session" means a session providing crisis response training  
by a qualified trained trainer; and

(6) "Volunteer" means a person who serves and receives no remuneration for services except reimbursement for actual expenses.

(b) Any volunteer crisis response team member who participates in a crisis intervention or intervention training shall not be liable in tort for any personal injuries or infliction or emotional distress caused by an act or an omission in the course of the crisis response or in a training session providing the intervention or training is conducted within generally accepted protocols of a registered team.

(c) The tort immunity in subsection (b) does not apply if:

(1) The team member acted with actual malice or willful intent to injure the subject;

(2) If the team member acted outside the scope of assigned duties;

(3) If the team member acted without team coordination and dispatch;

(4) If the action involved the commission of a crime;

(5) If the action involved sexual harassment, sexual or physical abuse; or

(6) The actions involved any form of moral turpitude or moral misconduct within the normally accepted community standards.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.